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C O N F I D E N T I A L SECTION 01 OF 03 BERLIN 002654

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TAGS: [PTER](#) [KHLS](#) [EAIR](#) [PGOV](#) [PREL](#) [GM](#)
SUBJECT: DHS COUNSELOR ROSENZWEIG PUSHES FOR CT PROGRESS IN
BERLIN

Classified By: Minister-Counselor for Economic Affairs Robert F. Cekuta
for Reasons 1.4 (b) and (d)

¶1. (C) Summary. Regarding Interior Minister Schaeuble's
planned September 24-26 trip to Washington, German Interior
Ministry Director General Guenter Krause told visiting
Department of Homeland Security Counselor to the Assistant
Secretary for Policy Paul Rosenzweig September 4-5 that

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Schaeuble's priorities include fighting terrorist use of the
Internet, Visa Waiver Program access for German Children's
Passports (Kinderpass), and a registered traveler biometric
pilot program. Counselor Rosenzweig said U.S. priorities
included visa lookout data sharing (HSPD-6) and fingerprint
data sharing. The two also discussed the PNR issue, which
Krause said would not interrupt flights because Lufthansa
would continue to provide the data even without any agreement
in place and other countries' airlines were not subject to
German data protection rules. Krause mentioned German plans
to create a combined counterterrorism database. End Summary.

MINISTER'S VISIT DELIVERABLES: U.S. PRIORITIES

¶2. (C) HSPD-6: Counselor Rosenzweig said DHS Secretary
Chertoff would have no higher priority than the expanded
sharing of terrorist watch list data. The two sides should
build on the data sharing to boost security for the World Cup
by institutionalizing it reciprocally, he said. Krause said
Germany favored more data exchange: the Pruem agreements
greatly expand data sharing with select EU partners; Germany
needs to think about how to conduct further data exchanges
with the U.S. but the procedures need not be complicated.
Experts from both sides should meet to discuss it, Krause
said repeatedly. The U.S. experts should read the Germany's
Pruem treaty with Austria, Belgium, France, Italy,
Luxembourg, the Netherlands, and Spain, and tell Germany
about U.S. concerns regarding German data protection
provisions, he continued. Krause handed Counselor Rosenzweig
an English language (EU "Limitee") text of the Pruem
agreement. Germany wants to be able to answer inevitable
questions from the Bundestag, for example on data protection,
Krause said. Counselor Rosenzweig noted the concern about
Visa Waiver Program vulnerabilities in Congress, especially
after the London airplane plot and added the GAO report to be
released September 7 was titled "Stronger Actions Needed to
Mitigate the Risks of Visa Waiver Program." Congress needs

to see that the USG was addressing risks that might be associated with the VWP through measures such as via broader data exchange.

13. (C) Fingerprint Data Sharing: Krause responded to Counselor Rosenzweig's proposal by saying case-by-case fingerprint sharing with the U.S. is no problem. However, broader sharing would require a new law and the MOI would face many questions. Is it truly necessary to exchange all data, or only part? Which part? How would data be handled? Will data be deleted, and when? What will the U.S. do with the data? It is complicated, Krause explained, but should be possible if it is reciprocal and acceptable to the Bundestag.

Experts should meet and find a way to proceed said Krause. A hit/no hit system would be easier to imagine than full access, he continued. Krause asked about the status of Interpol's fingerprint data exchange program. Counselor Rosenzweig replied it was still a long way away; but in theory it is a good idea in the long term. Krause noted that a pilot fingerprint data sharing project with Austria in preparation for the Pruem treaty going into force on November 11, 2006 had produced many fingerprint "hits" -- i.e., individuals either convicted or suspected of crimes on both sides of the German-Austrian border.

MINISTER'S VISIT DELIVERABLES: GERMAN PRIORITIES

14. (C) Terrorism and the Internet: Krause reported Minister Schaeuble decided to make this issue a focus of German G-8 and EU Presidency and would be sure to raise it with FBI Director Mueller (in Berlin Sept. 19) and in his meetings in Washington. The Internet had played a key role in radicalizing the German train bomb plotters and in teaching

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them how to build a bomb, Krause added. Krause explained Germany wants to coordinate Internet surveillance, concentrate on it in the German Joint Counterterrorism Center (GTAZ), and voluntarily share the workload by sharing analysts' reviews of websites. Germany had begun discussions with its EU partners: France is prepared to cooperate and Spain is doing some work in the area, Krause reported, but Italy has not turned to the issue and the UK is unwilling to share its analysts' conclusions. The G-8 is not as far along, Krause said, and so Germany would only send forward a proposal for a questionnaire and a best practices paper. Counselor Rosenzweig responded the Department of Justice or the intelligence community, not DHS, were more engaged in website analysis. In principle, the U.S. favors sharing information, but other agencies had the lead on the issue, and the U.S. had First Amendment concerns. Taking action (i.e., shutting down websites) would be harder for the U.S. to agree to, although when a site crossed a line and got involved in terrorist activity, then the U.S. could take action, Counselor Rosenzweig said.

15. (C) Kinderpass: Krause said Germany wants to resolve the Kinderpass (Children's Passport) issue. Germany does not want to fingerprint children under 14 because their fingerprints change, Krause said. (NOTE: A German Kinderpass, although it is machine-readable and contains a digital photograph, does not contain an RFID chip. German parents can and do, however, also obtain regular RFID biometric passports for their children, and like all other new German passports, a child's regular German passport does contain the digital photo on the RFID chip. End Note).

16. (C) Registered Traveler Biometric Pilot Project: Krause asked about the status of the U.S.-Dutch initiative and pointed out Germany had its own pilot project in Frankfurt. Counselor Rosenzweig explained the U.S.-Dutch project has not yet started and he outlined several issues that had come up. The Netherlands, for example, had sought a program for all Schengen residents, but DHS would only agree to one for Dutch

citizens due to the need for thorough background checks. Dutch citizens had to give consent for the background check and DHS wanted to understand the depth of the background check, the grounds for any denials of access to the program, and the names and biographic data of anyone denied. Lastly, there are administrative and logistical challenges to implementing the program in U.S. airports. Counselor Rosenzweig concluded by offering that experts meet to discuss the program.

17. (C) Counterterrorism Center Personnel Exchange: Krause noted U.S. officials already work closely with the German GTAZ counterterrorism center, but German authorities are prepared to invite a staff member from NCTC or other appropriate U.S. CT center to visit and observe the work of the German GTAZ for a week.

PASSENGER NAME RECORDS (PNR)

18. (C) Noting the U.S.-EU PNR discussions Sept 8 in Brussels, Krause said the EU had to solve the PNR problem, that it made no sense to have different solutions for the 25 member states. Krause said a one year interim agreement was also unsatisfactory; the German Bundestag would need to ratify it, a process which would take a year. There needs to be a PNR final agreement. Given the approaching deadline, Germany had reluctantly agreed to try to find its own solution, Krause said. Counselor Rosenzweig replied the UK airline bomb plot has sensitized the U.S. Congress and DHS is interested in going beyond the previous PNR agreement, as Secretary Chertoff had outlined in his recent op-ed article. The UK has decided to solve the problem with an "Air Navigation Order" to authorize the provision of PNR data, but the draft agreement from Brussels is problematic, Counselor Rosenzweig said. Krause responded Congress' position is clear and the U.S. is in a strong position, but the problem in the EU is the transfer of data to other U.S. agencies. Krause noted he had told Minister Schaeuble that the end result of the European Court of Justice decision is that EU countries' airlines would return to the status quo before the U.S.-EU agreement, with airlines forced to provide the data of they

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wanted to fly to the U.S.

19. (C) MOI Official for Air and Sea Security Holger Sperlich said PNR is "not such a big problem" because Lufthansa would continue to provide PNR data to be able to continue its flights, despite the risk of a lawsuit by data protection authorities in the German state of North Rhine - Westphalia, where Lufthansa is incorporated. Krause appeared angry to hear German state, rather than federal, data protection authorities might intervene. Counselor Rosenzweig asked whether obtaining passenger consent might resolve the issue. Sperlich replied MOI data protection officials said it would, but North Rhine - Westphalia data protection officials had said it would not. Krause said the state authorities should leave the issue to the German federal government. He said skeptical German data protection authorities did not realize that EU travelers were better off with the agreement in place, because it constrained U.S. use of the data. Sperlich clarified that U.S. (and other, e.g., Asian) airlines flying to the U.S. from Germany are not subject to the German federal or state data protection rules that applied to Lufthansa.

NEW GERMAN CT DATABASE

110. (C) Krause explained Interior Minister Schaeuble and the interior ministers of the sixteen German federal states had agreed September 4 on the framework for a combined counterterrorism database after years of wrangling caused by

state/federal, law enforcement/security service, and political party differences. The agreement is better than MOI had previously expected due to the ministers' concerns about the train bomb plot, Krause commented. The MOI's research had shown that different German agencies had different information about terrorist suspects -- even when they thought they had shared their information. The MOI has not yet drafted implementing legislation, Krause noted, but the new database would have two tiers of access: virtually all police and security personal would have access to check names and obtain simple biographic data from all other agencies. If they wanted additional information, they would need to inquire with the office that held it. The database would also include instructions, for example, on which people to arrest, which to question, and which to simply report having observed.

OTHER ISSUES

¶11. (C) Krause briefly touched on several issues he said Minister Schaeuble would not discuss with Secretary Chertoff in Washington. These issues included the Schengen Information System, the Container Security Initiative (CSI), Megaports, and Southeast Europe Cooperative Initiative (SECI). In the same vein, Krause said U.S. access to Europol data hinged on Irish ratification of the third protocol; then a basis for U.S.- data exchange could be resolved. Counselor Rosenzweig observed there were Megaports enhancements on the horizon, with first phase pilot projects in Hong Kong and elsewhere.

¶12. (U) This message was cleared by Counselor Rosenzweig.
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